

PATENT APPLICATION  
Attorney's Do. No. 6508-22

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Lee Chess Confirmation No.: 4381  
Serial No. 10/689,812 Examiner: Richard M. Camby  
Filed: October 20, 2003 Group Art Unit: 3661  
For: TRANSMISSION CONTROL SYSTEM  
Customer No.: 20575

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION

NACCO Materials Handling, the owner of the entire interest of the instant patent application described above, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of prior issued U.S. Patent No. 6,684,148.

The owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to its full statutory term as presently ~~extended by any terminal disclaimer~~.

Attached is the fee prescribed under 37 CFR 1.20(d).

The undersigned is an attorney of record for the instant application.



\_\_\_\_\_  
Stephen S. Ford  
Registration No. 35,139

Date: February 2, 2005

MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland, Oregon 97205  
(503) 222-3613